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Page 2 of 13

Amendment and Response

Serial No.: 10/702,369

Confirmation No.: 8480

Filed: 6 November 2003

For: BEAK TREATMENT WITH TONGUE PROTECTION

Amendments to the Claims

This listing of claims replaces all prior versions, and listings, of claims in the above-identified application:

1. (Currently Amended) A method of treating the lower beak of a bird, the method comprising:

positioning a bird head in a bird head positioning device, wherein the bird head positioning device comprises first and second major sides, and a beak receiving aperture formed through the first and second major sides of the bird head positioning device, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;

pressing inward on the throat of the bird proximate the base of the lower beak using a tongue control protrusion protruding from a surface defining the beak receiving aperture in the bird head positioning device, wherein the pressing is directed towards the tongue of the bird;

emitting energy from a non-contact energy source; and

directing the energy emitted from the non-contact energy source at the second major surface of the bird head positioning device, wherein the energy is incident on the lower beak exposed proximate the second major side of the bird head positioning device while pressing inward on the throat of the bird.

2. (Original) A method according to claim 1, wherein the pressing is performed while the bird head is positioned in the bird head positioning device.

3. (Original) A method according to claim 1, wherein the pressing is performed after the bird head is positioned in the bird head positioning device.

Amendment and Response

Page 3 of 13

Serial No.: 10/702,369

Confirmation No.: 8480

Filed: 6 November 2003

For: BEAK TREATMENT WITH TONGUE PROTECTION

4. (Original) A method according to claim 1, further comprising adjusting a force used to perform the pressing.

5. (Original) A method according to claim 1, further comprising limiting a force used to perform the pressing

6. (Currently Amended) A method of treating the lower beak of a bird, the method comprising:

positioning a bird head in a bird head positioning device, wherein the bird head positioning device comprises first and second major sides, and a beak receiving aperture formed through the first and second major sides of the bird head positioning device, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;

pressing inward on the throat of the bird proximate the base of the lower beak using a tongue control protrusion protruding from a surface defining the beak receiving aperture in the bird head positioning device, wherein the pressing is directed towards the tongue of the bird;

emitting energy from a non-contact energy source; and

directing the energy emitted from the non-contact energy source at the second major surface of the bird head positioning device, wherein the energy is incident on the lower beak exposed proximate the second major side of the bird head positioning device while pressing inward on the throat of the bird[[:]]

~~wherein the bird head positioning device comprises a tongue control protrusion, wherein the tongue control protrusion presses into the throat of the bird proximate the base of the lower beak.~~

Amendment and Response

Page 4 of 13

Serial No.: 10/702,369

Confirmation No.: 8480

Filed: 6 November 2003

For: BEAK TREATMENT WITH TONGUE PROTECTION

7. (Original) A method according to claim 6, further comprising adjusting a force by which the tongue control protrusion presses into the throat of the bird.

8. (Original) A method according to claim 6, wherein the tongue control protrusion extends into the beak receiving aperture.

9. (Original) A method according to claim 8, further comprising adjusting a distance by which the tongue control protrusion extends into the beak receiving aperture.

10. (Original) A method according to claim 8, wherein the tongue control protrusion extends into the beak receiving aperture by a fixed distance.

11. (Currently Amended) An apparatus for treating the lower beak of a bird, the apparatus comprising:

a bird head positioning device comprising first and second major sides and a beak receiving aperture formed through the first and second major sides, the bird head positioning device adapted to position the head of a bird proximate the first major side, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;

a non-contact energy source emitting energy;

an energy director directing energy from the non-contact energy source, wherein energy emitted from the non-contact energy source is incident on at least a portion of the lower beak exposed proximate the second major side of the bird head positioning device; and

a tongue control protrusion protruding from a surface defining the beak receiving aperture ~~in located proximate~~ the bird head positioning device, wherein the tongue control protrusion

Amendment and Response

Page 5 of 13

Serial No.: 10/702,369

Confirmation No.: 8480

Filed: 6 November 2003

For: BEAK TREATMENT WITH TONGUE PROTECTION

presses into the throat of the bird proximate the lower beak when the lower beak of the bird head protrudes through the beak receiving aperture.

12. (Original) An apparatus according to claim 11, wherein the tongue control protrusion is fixedly mounted relative to the beak receiving aperture of the bird head positioning device.

13. (Original) An apparatus according to claim 11, wherein the tongue control protrusion is movably mounted relative to the bird head positioning device, wherein the position of the tongue control protrusion relative to the beak receiving aperture is adjustable when the lower beak of the bird head protrudes through the beak receiving aperture.

14. (Original) An apparatus according to claim 11, further comprising a resilient member biasing the tongue control protrusion into a position in which the tongue control protrusion presses into the throat of the bird proximate the lower beak when the lower beak of the bird head protrudes through the beak receiving aperture.

15. (Currently Amended) An apparatus for treating the beak of a bird, the apparatus comprising:

- a bird head positioning device adapted to position the head of a bird such that at least a portion of the beak of the bird protrudes from a beak receiving aperture of the bird head positioning device;

- a non-contact energy source emitting energy;

- an energy director directing energy from the non-contact energy source at the portion of the beak protruding from the beak receiving aperture; and

- a tongue control protrusion protruding from a surface defining ~~extending into~~ the beak receiving aperture, wherein the tongue control protrusion is located within the beak receiving

Amendment and Response

Page 6 of 13

Serial No.: 10/702,369

Confirmation No.: 8480

Filed: 6 November 2003

For: BEAK TREATMENT WITH TONGUE PROTECTION

aperture such that the tongue control protrusion presses into the throat of the bird proximate a lower beak of the bird.

16. (Original) An apparatus according to claim 15, wherein the tongue control protrusion is fixedly mounted within the beak receiving aperture.

17. (Original) An apparatus according to claim 16, wherein the tongue control protrusion is movably mounted within the beak receiving aperture, wherein a distance by which the tongue control protrusion extends into the beak receiving aperture is adjustable.

18. (Original) An apparatus according to claim 15, further comprising a resilient member biasing the tongue control protrusion into the beak receiving aperture.

19. (New) An apparatus for treating the lower beak of a bird, the apparatus comprising:
a bird head positioning device comprising first and second major sides and a beak receiving aperture formed through the first and second major sides, the bird head positioning device adapted to position the head of a bird proximate the first major side, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;
a non-contact energy source emitting energy;
an energy director directing energy from the non-contact energy source, wherein energy emitted from the non-contact energy source is incident on at least a portion of the lower beak exposed proximate the second major side of the bird head positioning device; and
a tongue control protrusion extending into the beak receiving aperture, wherein the tongue control protrusion is fixedly mounted relative to the beak receiving aperture of the bird head positioning device, and wherein the tongue control protrusion presses into the throat of the

Amendment and Response

Page 7 of 13

Serial No.: 10/702,369

Confirmation No.: 8480

Filed: 6 November 2003

For: BEAK TREATMENT WITH TONGUE PROTECTION

bird proximate the lower beak when the lower beak of the bird head protrudes through the beak receiving aperture.

20. (New) An apparatus for treating the beak of a bird, the apparatus comprising:
- a bird head positioning device adapted to position the head of a bird such that at least a portion of the beak of the bird protrudes from a beak receiving aperture of the bird head positioning device;
 - a non-contact energy source emitting energy;
 - an energy director directing energy from the non-contact energy source at the portion of the beak protruding from the beak receiving aperture; and
 - a tongue control protrusion extending into the beak receiving aperture, wherein the tongue control protrusion is fixedly mounted and located within the beak receiving aperture, and wherein the tongue control protrusion presses into the throat of the bird proximate a lower beak of the bird.
21. (New) A method of treating the lower beak of a bird, the method comprising:
- positioning a bird head in a bird head positioning device, wherein the bird head positioning device comprises first and second major sides, and a beak receiving aperture formed through the first and second major sides of the bird head positioning device, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;
 - pressing inward on the throat of the bird proximate the base of the lower beak using a tongue control protrusion fixedly mounted within the beak receiving aperture, wherein the pressing is directed towards the tongue of the bird;
 - emitting energy from a non-contact energy source; and

Amendment and Response

Page 8 of 13

Serial No.: 10/702,369

Confirmation No.: 8480

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For: BEAK TREATMENT WITH TONGUE PROTECTION

directing the energy emitted from the non-contact energy source at the second major surface of the bird head positioning device, wherein the energy is incident on the lower beak exposed proximate the second major side of the bird head positioning device while pressing inward on the throat of the bird.

22. (New) An apparatus for treating the lower beak of a bird, the apparatus comprising:
a bird head positioning device comprising first and second major sides and a beak receiving aperture formed through the first and second major sides, the bird head positioning device adapted to position the head of a bird proximate the first major side, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;

a non-contact energy source emitting energy;

an energy director directing energy from the non-contact energy source, wherein energy emitted from the non-contact energy source is incident on at least a portion of the lower beak exposed proximate the second major side of the bird head positioning device;

a tongue control protrusion located proximate the bird head positioning device, wherein the tongue control protrusion presses into the throat of the bird proximate the lower beak when the lower beak of the bird head protrudes through the beak receiving aperture; and

a resilient member biasing the tongue control protrusion into a position in which the tongue control protrusion presses into the throat of the bird.

23. (New) An apparatus for treating the beak of a bird, the apparatus comprising:
a bird head positioning device adapted to position the head of a bird such that at least a portion of the beak of the bird protrudes from a beak receiving aperture of the bird head positioning device;

a non-contact energy source emitting energy;

Amendment and Response

Page 9 of 13

Serial No.: 10/702,369

Confirmation No.: 8480

Filed: 6 November 2003

For: BEAK TREATMENT WITH TONGUE PROTECTION

an energy director directing energy from the non-contact energy source at the portion of the beak protruding from the beak receiving aperture;

a tongue control protrusion extending into the beak receiving aperture, wherein the tongue control protrusion is located within the beak receiving aperture such that the tongue control protrusion presses into the throat of the bird proximate a lower beak of the bird; and

a resilient member biasing the tongue control protrusion into the beak receiving aperture.